

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro BARRAZA-Aguilar,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF: *YMK* DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States


2008 FEB 21 PM 12:52

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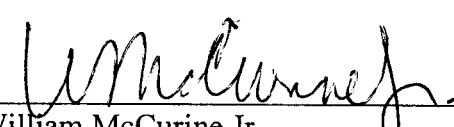
The undersigned complainant, being duly sworn, states:

On or about **February 19, 2008** within the Southern District of California, defendant, **Pedro BARRAZA-Aguilar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF FEBRUARY 2008


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

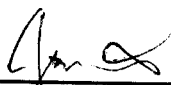
Pedro BARRAZA-Aguilar

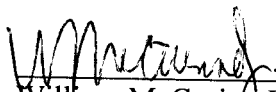
PROBABLE CAUSE STATEMENT

On February 19, 2008, Supervisory Border Patrol Agent D. Ihlefeld reported that he had a group of suspected illegal aliens spotted with an infrared scope. The group's location was near an area referred as the Sword Fish House. This area is located approximately nine miles east and one mile north of the Tecate, California Port of Entry. Border Patrol Agents C. Devenport and J. Rasmusson responded to the area and encountered nine individuals attempting to conceal themselves in some thick brush. Agent Rasmusson identified himself as a Border Patrol Agent and questioned each individual as to their citizenship. All nine individuals, including one later identified as the defendant **Pedro BARRAZA-Aguilar** admitted to being in citizens and nationals of Mexico illegally in the United States. All nine individuals were arrested at approximately 9:30 p.m. and transported to the Tecate, California Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on August 8, 2007 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico without having any immigration documents that would allow him to be or remain in the United States legally. The defendant also stated that he entered the United States illegally today to find work in San Diego, California. The defendant stated that he knew it was illegally in the United States.


James Trombley
Senior Patrol Agent


William McCurine Jr.
U.S. Magistrate Judge

2/21/08 12:12
Date/Time 